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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,796	02/20/2004	Taek-Kyun Choi	45817	5180
1609	7590	07/05/2011		
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.			EXAMINER	
1300 19TH STREET, N.W.				DUBASKY, GIGI L
SUITE 600			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			2421	
			MAIL DATE	DELIVERY MODE
			07/05/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/781,796	CHOI, TAEK-KYUN	
Examiner	Art Unit		
GIGI L. DUBASKY	2421		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 April 2011.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12, 14-24 and 33-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12, 14-24 and 33-36 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application
6) Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/19/2011 has been entered.

Response to Arguments

Claims 13 and 25-32 had been previously cancelled.

Claims 1-12, 14-24 and 33-36 are pending.

2. In the Remarks filed on 03/21/2011, with regard to the non-considered Japanese reference JP 2001-127847 A in the information disclosure statement (IDS) submitted on 08/03/2010, the Applicant alleges on page 7 that "U.S. Patent Publication No. 2003/050238 was listed as an equivalent in the Information Disclosure Statement" which, examiner finds, is neither in the record nor retrievable. Instead, examiner finds U.S. Patent No. 6915119 which contributes as an equivalent of JP 2001-127847 A. As

courtesy, the JP 2001-127847A in the submitted IDS on 08/03/2010 is considered with added U.S. Patent No. 6915119 in the IDS as its equivalent by the examiner.

3. Applicant's arguments in the Remarks filed on 04/19/2011 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used, a response is considered necessary for applicant's arguments since the reference Hiroi will continue to be used to meet several claimed limitations.

In response to the Applicant's argument on pages 9-10 that Hiroi teaches the operations of acquiring, displaying, capturing, encoding and transmitting a video are a sequential operation flow as illustrated in steps 707-711 of Fig. 5 and are performed along with other processes which means that other processes are performed besides a video telephony but does not mean that the operations of displaying, capturing and transmitting are simultaneously performed, examiner respectfully disagrees.

Hiroi discloses the central processing unit (CPU) 501 (Figure 4) controls the operation of the terminal device according to programs prepared for processing operations, i.e., acquiring video/audio signals from the input units, obtaining necessary video data to display video on its display, encoding captured video/audio image to create a packet and transmitting packet to other terminal device (¶ [0026]-[0027] and ¶ [0056]). In Figures 5 and 10 of Hiroi, steps 707-711 are a sequential **starting of operation** flow at a transmitter side (start obtaining video, start displaying own video, start encoding captured video, start creating packet, start transmitting video...), and

steps 723-727 are a sequential **terminating of operation** flow in a reversed order (terminate transmission, terminate packet creation, terminate encoding captured video, terminate display own video, terminate obtaining video...) One would clearly recognize that at a transmitter side, the acquired video is being continuously displayed while other processes like capturing, encoding, creating and transmitting packet are performed and the video display is stopped after other above processes are terminated. After describing each operational process respectively to steps in Figures 5 and 10, Hiroi also clearly indicates that each processing is implemented as a program to be concurrently executed with other processing by the CPU 501 (¶ [0087]-[0091]), which means that the CPU 501 enables to execute concurrently all of terminal device's operational processes including all processes of operational telephone and of video telephony. In other words, Hiroi discloses a control section for receiving a command signal for capture and transmission of a video signal, and controlling to capture and transmit a portion of video signal while the video signal is displayed.

Claim Objections

Claims 1-11 are objected to because of the following informalities:

Claim 1 recites "the a moving image signal" at line 6 which appears to be a typo. It should be amended to remove "a".

Claim 1, at line 10, also recites “the television signal” defined at a first time in claim which is insufficient antecedent basis for this limitation in the claim. It should be amended to -- a television signal -- or defined earlier in claim.

Claims 2-11 depend on claim 1, so are objected the same.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 7, 9, 12, 14-16, 20, 22 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boda et al (US 2003/0114145) in view of Hiroi et al (US 2003/0222973) of the record.

Regarding claim 1, Boda discloses an apparatus for transmitting a moving image signal in a mobile communication terminal capable of receiving the reproducing the moving image, the apparatus (mobile terminals 125, 127 and 129 in Figure 1) comprising:

a first receiver (transceiver 139) for receiving a communication signal, wherein the communication signal is associated with a communication function of the mobile

communication terminal (¶ [0017] and ¶ [0018] lines 12-13 for two-way communicating with a wireless communication network 107);
a second receiver (broadcast receiver 141) for receiving a moving image signal (¶ [0016] lines 14-20, ¶ [0017] lines 1-8 and ¶ [0018] lines 10-12 for receiving radio and TV broadcast signals);
an input section (input device 130) for generating signals for capturing and transmitting the moving image signal (¶ [0019]-[0020] for receiving and generating user input command signals for transmitting a request signal to contact or connect to a broadcast show via a network; and ¶ [0029] for sending the broadcast audio or video data captured by a camera 145 and a microphone 144 as a part of the initial connection request for rebroadcasting program based on the user's inputting a command via the input section 130);
a control section (processor 131 as a "control section" for all operations of mobile terminal 125) for receiving, according to the signals generated by the input section, a command signal for capture and transmission of the television signal, and controlling to capture and transmit a portion of the television signal (¶ [0019]-[0020] and ¶ [0029] for receiving, according to the user input signals generated by the input device 130, a command signal for transmission of a request to contact the show or transmission of broadcast audio or television signals captured by a camera or a microphone of mobile terminal as a part of initial connection request of rebroadcast program), and controlling to display the moving image associated with the television signal (¶ [0018] lines 1-16 for displaying menus received DVB or television broadcasts on a display screen 143 of

mobile terminal);

a memory (memory 133) for storing data (¶ [0023] lines 1-7 for storing location data of the mobile terminal); and

a transmission section (transceiver 139) for transmitting the captured image (¶ [0029] for sending the broadcast audio or video data captured by a camera 145 and a microphone 144 as a part of the initial connection request for rebroadcasting program) and for transmitting the data stored in the memory (¶ [0023] for transmitting a request signal including location data stored in the memory of the mobile terminal).

Boda does not explicitly disclose storing the image captured and controlling to capture and transmit a portion of the signal while the signal is displayed.

Hiroi discloses a video telephone system in which the audio and video data are communicated between the terminal devices (¶ [0015]) such as a portable telephone type (Figure 2), a PDA type (Figure 3). Hiroi's terminal device comprises an antenna (207 and 307 in Figure 2-3) for communicating data via a wireless network; audio and video input units 503 and 505 (Figure 4) for receiving external audio and video signals; an input unit (204 and 304 in Figures 2-3 or input unit 507 in Figure 4) for generating user's input commands (¶ [0055]); a storage 502 (Figure 4) for storing the captured image (¶ [0057] lines 6-18); a transceiver (communication control and input/output unit 508 in Figure 4) for transmitting the captured image stored in the memory (¶ [0056] lines 8-9); and a CPU 501 (Figure 4) for controlling the operation of terminal device according to programs prepared for processing operations, i.e., acquiring video/audio signals from the input units, obtaining necessary video data to display video on its display, encoding

captured video/audio image to create a packet and transmitting packet to other terminal device (¶ [0026]-[0027] and ¶ [0056]). Hiroi discloses in Figures 5 and 10, the steps 707-711 are a sequential starting of operation flow at a transmitter side (start obtaining video, start displaying own video, start encoding captured video, start creating packet, start transmitting video...), and the steps 723-727 are a sequential terminating of operation flow in a reversed order (terminate transmission, terminate packet creation, terminate encoding captured video, terminate display own video, terminate obtaining video...) One would clearly recognize that at a transmitter side, the acquired video is being continuously displayed while other processes like capturing, encoding, creating and transmitting packet are performed and the video display is stopped after other above processes are terminated. After describing each operational process respectively to steps in Figures 5 and 10, Hiroi also clearly indicates that each processing is implemented as a program to be concurrently executed with other processing by the CPU 501 (¶ [0087]-[0091]), which means that the CPU 501 enables to execute concurrently all of terminal device's operational processes including all processes of operational telephone and of video telephony. In other words, Hiroi discloses a portable telephone comprises a memory for storing the captured image and a control section for receiving a command signal for capture and transmission of a video signal, and controlling to capture and transmit a portion of video signal while the video signal is displayed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the control section of Boda's mobile terminal

with a multitasking capability such as being capable of controlling to capture, store video signal and transmit the captured video signal stored in the memory to other terminal device simultaneously while the video signal is displayed on its own display screen as taught by Hiroi, so to provide a multitasking television mobile terminal which allows the user, while watching a broadcast television signal, to capture and transmit the watching television signal to others concurrently in the benefits of enhancing user's interaction and user's sharing community.

Regarding claim 2, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the captured image includes still image data (taught by Boda; ¶ [0029] lines 11-17).

Regarding claim 3, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the captured image includes moving image data (taught by Boda; ¶ [0029]; lines 1-11; also taught by Hiroi; ¶ [0018]).

Regarding claim 7, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses an image converter for converting a video image size of the captured image (taught by Hiroi; ¶ [0088] and ¶ [0101]-[0103] for minimizing or cutting (converting) size of obtained video data

according to the video size of the own video display area, according to the video size for transmission).

Regarding claim 9, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the transmission section transmits a captured image (taught by Boda; ¶ [0029] for transmitting captured audio and video data or pictures; also taught by Hiroi; ¶ [0056] lines 8-9 for transmitting video image via element 508 in Figure 4), which is stored in the memory (taught by Hiroi; ¶ [0057] lines 6-18), by a phone-to-phone method (taught by Hiroi; ¶ [0015] and ¶ [0042]-[0044] for transmitting video data between phone-to-phone method).

Regarding claim 12, all limitations of claim 12 are analyzed corresponding to all functionalities of the apparatus of claim 1. So, claim 12 is rejected under the same rationale as claim 1.

Regarding claim 14, all limitations of claim 14 are analyzed corresponding to all functionalities of the apparatus of claim 2. So, claim 14 is rejected under the same rationale as claim 2.

Regarding claim 15, all limitations of claim 15 are analyzed corresponding to all functionalities of the apparatus of claim 3. So, claim 15 is rejected under the same rationale as claim 3.

Regarding claim 16, Boda in view of Hiroi discloses the apparatus as discloses in the rejection of claim 12. The combined system further discloses storing the captured image in a memory after the step of capturing the image (taught by Hiroi; ¶ [0057] lines 6-18).

Regarding claim 20, all limitations of claim 20 are analyzed corresponding to all functionalities of the apparatus of claim 7. So, claim 20 is rejected under the same rationale as claim 7.

Regarding claim 22, all limitations of claim 22 are analyzed corresponding to all functionalities of the apparatus of claim 9. So, claim 22 is rejected under the same rationale as claim 9.

Regarding claim 33, all limitations of claim 33 are analyzed and rejected corresponding to claim 1.

Regarding claim 34, all limitations of claim 34 are analyzed corresponding to the functionalities of the apparatus in claim 33. So, claim 34 is rejected under the same rationale as claim 33.

Regarding claim 35, all limitations of claim 35 are analyzed corresponding to the functionalities of the apparatus in claims 1-2. So, claim 35 is rejected under the same rationale as claims 1-2.

6. Claims 4-6, 10, 17-19, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boda et al (US 2003/0114145) in view of Hiroi et al (US 2003/0222973) of the record and further in view of Nishimura (US 2002/0051181) of the record.

Regarding claim 4, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system does not explicitly disclose a file compressor for compressing the captured image.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is not only a file of a still image but also a file of speech, music or moving pictures (¶ [0045]). Nishimura discloses the captured image file is compressed into a file (¶ [0143]). It means that Nishimura's system must comprise a file compressor for compressing the captured image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Boda and Hiroi with a file compressor for compressing the captured image into file as taught by Nishimura, so to reduce bandwidth in transmission and space for storage of a compressed file.

Regarding claim 5, Boda in view of Hiroi and further in view of Nishimura discloses the apparatus as discussed in the rejection of claim 4. The combined system further discloses the file compressor compresses the still image data in one selected from the group of extensions consisting of Joint Photographic Experts Group (JPEG), BitMap (BMP), Graphics Interchange Format (GIF), Picture Image Compression (PIC), Tag Image File Format (TIFF), Portable Document Format (PDF), and Extension Post Script graphics (EPS) formats (taught by Nishimura; ¶ [0149]-[0150] for compressed image in GIF, PNG, TIFF and JPEG format).

Regarding claim 6, Boda in view of Hiroi and further in view of Nishimura discloses the apparatus as discussed in the rejection of claim 4. The combined system further discloses the file compressor compresses the moving image data in one selected from the group of extensions consisting of Moving Pictures Expert Group (MPEG), Advanced Streaming Format file (ASF), Advanced Streaming Redirect file (ASX), AVI, Data file for video CD MPEG movie (DAT), Animator Animation (FLI), Animator Animation most recent version of FLI format (FLC), Apple QuickTime Movie (MOV), MPEG Movie (MPG), Real Audio iRA), Real Media CRAM), Real Media (RM), MPEG layer 2 movie (VOB), and Vivo Active Movies (VIV) formats (taught by Nishimura; ¶ [0154] and ¶ [0167] for the captured moving picture in MPEG format).

Regarding claim 10, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the transmission

section transmits a captured image (taught by Boda; ¶ [0029] for transmitting captured audio and video data or pictures; also taught by Hiroi; ¶ [0056] lines 8-9 for transmitting video image via element 508 in Figure 4), which is stored in the memory (taught by Hiroi; ¶ [0057] lines 6-18).

The combined system does not explicitly disclose transmitting a capture image together with an email.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file of a captured still image, a file of speech, music or moving pictures (¶ [0045]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Boda and Hiroi with the capability of transmitting a captured image together with an email as taught by Nishimura, so to provide an enhanced system with a diversity of video image transmission method for sharing data to others.

Regarding claim 17, all limitations of claim 17 are analyzed corresponding to all functionalities of the apparatus of claim 4. So, claim 17 is rejected under the same rationale as claim 4.

Regarding claim 18, all limitations of claim 18 are analyzed corresponding to all functionalities of the apparatus of claim 5. So, claim 18 is rejected under the same rationale as claim 5.

Regarding claim 19, all limitations of claim 19 are analyzed corresponding to all functionalities of the apparatus of claim 6. So, claim 19 is rejected under the same rationale as claim 6.

Regarding claim 23, all limitations of claim 23 are analyzed corresponding to all functionalities of the apparatus of claim 10. So, claim 23 is rejected under the same rationale as claim 10.

Regarding claim 36, all limitations of claim 36 are analyzed and rejected corresponding to claim 34. However, the combined system of Boda and Hiroi does not explicitly disclose capturing a moving image for a capture time according to a capture start command and a capture end command of the displayed moving image.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is a file of a captured still image, speech, music or moving pictures (¶ [0045]) using a notebook personal computer (Figure 2) as well as a portable telephone set (Figure 15) as transmission terminals to perform functions of Nishimura's invention (¶ [0159]). Nishimura discloses the CPU 51 (Figure 4) boots a capture program in conjunction with an E-mail program (¶ [0098] and ¶ [0105]) to capture a moving image, which is displayed in display area 206 (Figure 6), for a capture time according to a capture start command and a capture end command of the displayed moving image (¶ [0109]-[0110] for using capture button 211 in capture window 202 or shot button 233 in

mail window 230 in Figure 6 to start the photographing and displaying in the display area 207 the maximum possible recording time... if the photographing mode is in the moving image photographing mode. It is obvious that a capture end command is well-known and included if capturing a moving image. Nishimura also discloses transmitting the captured moving image via E-mail attachment through a network (¶ [0095]-[0097]) in accordance with user commands (¶ [0101] and ¶ [0103]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Boda and Hiroi with the capability of capturing and transmitting a moving image of displayed image as taught by Nishimura, so to provide an enhanced system which allows the user of mobile terminal to share captured image files to others.

7. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boda et al (US 2003/0114145) in view of Hiroi et al (US 2003/0222973) of the record and further in view of Bagni et al (US 6236760) of the record.

Regarding claim 8, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 7. The combined system, Hiroi per se, discloses the converted image size is 320x240 pixels (see Figures 8-9), but does not explicitly disclose converted image size is one of dimensions including 128x112 dots and 128x96 dots.

Bagni discloses this limitation (Col 5 lines 36-45 for down converting image to size 128x96 pixels).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Boda and Hiroi with the teaching of Bagni for down converting image to size 128x96, so to save more bandwidth for transmission the image file. The combined system of Boda, Hiroi and Bagni enables to convert images from size 640x480 pixels to 320x240 pixels and to 128x96 pixels. It is obvious that the combined system also enables to convert image to size 128x112.

Regarding claim 21, all limitations of claim 21 are analyzed corresponding to all functionalities of the apparatus of claim 8. So, claim 21 is rejected under the same rationale as claim 8.

8. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boda et al (US 2003/0114145) in view of Hiroi et al (US 2003/0222973) of the record and further in view of Yi (US 7003040) of the record.

Regarding claim 11, Boda in view of Hiroi discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses a display section (taught by Boda; display 143 in Figure 1; also taught by Hiroi; display screens 203 and 303 in Figures 2 and 3 respectively) which includes a display area for video-processing and displaying the moving image signal (taught by Boda; ¶ [0018] lines 14-16; also taught by Hiroi; see Figures 8 and 9).

The combined system does not explicitly disclose a display section having two display areas and one of display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section.

Yi discloses a cellular phone having a display section which includes a first display area for video-processing and displaying the video signal and a second display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section (see Figure 2 for display has two distinct areas, display section of image and user menu along side and bottom).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Boda and Hiroi with the teaching of Yi, so to enhance user's viewing experience.

Regarding claim 24, all limitations of claim 24 are analyzed corresponding to all functionalities of the apparatus of claim 11. So, claim 24 is rejected under the same rationale as claim 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIGI L. DUBASKY whose telephone number is (571)270-5686. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE L. KINCAID can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GD

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